

TITLE 21 CRIMINAL CODE

Chapters:

- 21-1 Criminal Offenses – General Provisions
 - 21-2 Distribution of Sex Paraphernalia to Minors Prohibited
 - 21-3 Contempt of Court
 - 21-4 Harmful Weapons and Projectiles
 - 21-5 Alteration of Identification Numbers
 - 21-6 Miscellaneous Offenses
 - 21-7 Juvenile Curfews
 - 21-8 Repealed
 - 21-9 Gambling
-

CHAPTER 21-1

CRIMINAL OFFENSES – GENERAL PROVISIONS

Sections:

21-1-101.	Short Title.
21-1-102.	Enactment of State Criminal Code.
21-1-103	Purposes and Principles of Procedure and Construction.
21-1-104.	Repealed.
21-1-105.	City Bail Schedule.

21-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Criminal Code." This Title shall also be known as Title 21, West Valley City Municipal Code. It may be cited and pleaded under either designation.

21-1-102. ENACTMENT OF STATE CRIMINAL CODE.

- (1) Class "B" and "C" misdemeanors and infractions found in Title 76, Utah Code Annotated, 1953 as amended, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated herein by this reference as violations of City ordinances. Peace officers and any public officials charged with enforcement of the law are hereby authorized to cite violations of the City Code by citing Title 76.
- (2) All other class "B" and "C" misdemeanors and infractions in the Utah Code, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated by this reference as violations of City ordinances. Public officials, including peace officers, are hereby authorized to cite violations of the Utah Code by citing the appropriate section number.
- (3) The heading on prosecution documents may designate the plaintiffs as "State of Utah (WVC)" or a variation of this, and such documents will operate as a prosecution in the name of the State or in the name of the City, as may be appropriated.

(Ord. No. 94-56 Amended 06/22/1994; Ord. No. 95-29 Repealed & Replaced 06/05/1995; Ord. No. 99-19 Repealed & Replaced 05/21/1999)

21-1-103. PURPOSES AND PRINCIPLES OF PROCEDURE AND CONSTRUCTION.

The provisions of this Code shall be construed in accordance with the principles of procedure and construction as set out by the Utah Code Annotated, 1953 as amended.

21-1-104. REPEALED.

21-1-105. CITY BAIL SCHEDULE.

The City bail schedule for every traffic offense, including moving and non-moving violations, and misdemeanor and infraction criminal violations shall be the state bail schedule as established Utah State Code and the Utah Judicial Council for Justice Courts plus the sum of \$15.

(Ord. No. 02-78 Add 12/03/2002; Ord. No. 08-63 Repealed and Reenacted 12/29/2008)

CHAPTER 21-2

DISTRIBUTION OF SEX PARAPHERNALIA TO MINORS PROHIBITED

Sections:

- 21-2-101. Purpose.
21-2-102. Definitions.
21-2-103. Distribution of Sex Paraphernalia to Minors Prohibited.
-

21-2-101. PURPOSE.

The City Council finds that the distribution of sex paraphernalia can be harmful to minors, both physically and mentally, and in order to promote the health, safety and welfare of the citizenry of this City, such distribution should be prohibited. Sale of sex paraphernalia to minors does not have to be exclusively regulated by the "Harmful to Minors" or "Indecent Public Display" laws already in effect, since sex paraphernalia, by its definition, is not communicative in nature and, thus, is not protected by the First Amendment of the United States Constitution.

21-2-102. DEFINITIONS.

- (1) Distribute means to transfer possession, temporarily or permanently, of sex paraphernalia, whether with or without consideration, and includes the permitting of minors to handle sex paraphernalia.
- (2) Minor means any unmarried person who has not attained his or her 18th birthday.
- (3) Person includes a natural person, firm, association, partnership or corporation. It does not include a minor's parent or legal guardian.
- (4) Sex paraphernalia means any item, device or product, such as vibrators, flavored or unflavored lotions, pills or other substances designed for internal consumption, sprays, creams, oils, lubricants, pillows or other products shaped or made to resemble male or female genitals, buttocks or developed female breasts which are manufactured or designed to be used for sexual stimulation, sexual arousal, enhancing or prolonging sexual activity or as an adult novelty item, including, but not limited to, such items commonly known as vibrators, dildoes, spanish fly, edible underwear, ben wa balls and edible body lotions. It does not include any device, appliance or pill designed for birth control or any movie, book, magazine or other communicative material protected by the First Amendment of the United States Constitution.
- (5) Display publicly means the exposing, placing, posting, exhibiting or displaying, in any fashion and in any location, whether public or private, of an item in a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, place or vehicle.
- (6) Promote means to manufacture, issue, transmit, publish, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.
- (7) Sexual device means any item, device or product, including, but not limited to, dildoes, vibrators, artificial vaginas, spanish fly, ben wa balls, pillows or other products shaped or made to resemble male or female genitals, buttocks, or developed female breasts, edible underwear, flavored or unflavored edible body lotion or other substance designed for internal consumption

or any other item, device or product manufactured, promoted or designed to be used primarily for sexual stimulation, sexual arousal or the enhancing or prolonging of sexual activity.

- (8) Knowingly means to have actual or constructive knowledge of the contents of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter or if the failure to inspect is for the purpose of avoiding such disclosure.

21-2-103. DISTRIBUTION OF SEX PARAPHERNALIA TO MINORS PROHIBITED.

- (1) It shall be a class "B" misdemeanor for any person to knowingly distribute or furnish sex paraphernalia to a minor, knowing that such person is a minor, or having failed to exercise reasonable care in ascertaining the proper age of such minor.
- (2) It shall be a class "B" misdemeanor for any person to knowingly promote, display publicly, distribute or furnish any sexual device to any minor, knowing that such person is a minor. Each promotion or distribution, or each day during which any obscene device is displayed publicly to a minor, shall constitute a separate offense.
- (3) This Section does not prohibit a person from distributing any sex paraphernalia to a minor who is accompanied by his parent, legal guardian or any person he reasonably believes to be the parent or legal guardian of that minor.

CHAPTER 21-3 CONTEMPT OF COURT

Sections:

21-3-101.	Description.
21-3-102.	Penalty.
21-3-103.	Violation of Injunction-penalty.

21-3-101. DESCRIPTION.

It shall be unlawful for any person to commit any act, direct or constructive, which is calculated to embarrass, obstruct or disobey the court in the administration of justice, or which is calculated to lessen its authority or its dignity.

21-3-102. PENALTY.

A person is guilty of a class "B" misdemeanor if he is found in contempt of court.

21-3-103 VIOLATION OF INJUNCTION-PENALTY.

- (1) It is unlawful for a person to willfully disobey the requirements of an injunction issued to prohibit gang activity, drug activity, or other criminal activity.
- (2) A violation of this section is a class B misdemeanor and shall be punished by a fine not less than \$500 or by imprisonment in jail for not less than one month, or by both. Evidence concerning the duration and repetitive nature of the violations shall be considered by the court in determining the penalties.

(Ord. No. 99-44 Added 07/09/1999)

CHAPTER 21-4 HARMFUL WEAPONS AND PROJECTILES

Sections:

- 21-4-101. Molotov cocktail and incendiary missiles - possession of.
- 21-4-102. Bats, clubs, rocks, bottles - possession of.
- 21-4-103. Throwing rocks, bottles or other missiles.
- 21-4-104. Use of a projectile weapon.
- 21-4-105. Hunting prohibited - falconry excepted.
- 21-4-106. Weapons and other dangerous materials in or about school building - possession of.

21-4-101. MOLOTOV COCKTAIL AND INCENDIARY MISSILES – POSSESSION OF.

It shall be unlawful for any person to make, carry, possess or use any type of molotov cocktail, gasoline or petroleum-base fire bomb or other incendiary missile or explosive device within the limits of the City. The term molotov cocktail shall mean any bottle or other container containing gasoline or any other volatile substance with a fuse type wick inserted therein.

21-4-102. BATS, CLUBS, ROCKS, BOTTLES - POSSESSION OF.

It shall be unlawful for any person to use, carry or possess with the intent to use any rock, bottle, club, brick, piece of metal or any other object used as a weapon unlawfully against a person or property of another within the limits of the City.

21-4-103. THROWING ROCKS, BOTTLES OR OTHER MISSILES.

It shall be unlawful for any person within the limits of the City to willfully or carelessly throw any stone, stick, snowball or other missile whereby any person shall be hit, any property injured or destroyed, in such manner as to render travel upon the public streets and places of the City dangerous or in such a manner as to frighten or annoy any other person.

21-4-104. USE OF A PROJECTILE WEAPON.

- (1) "Firearm" means a pistol, revolver, shotgun, sawed off shotgun, rifle, sawed off rifle, or any other weapon using an explosion.
- (2) Within the boundaries of the City, it shall be unlawful for any person to release, discharge, or shoot:
 - a. a firearm;
 - b. a BB gun;
 - c. a pellet gun;
 - d. a bow and arrow;
 - e. a crossbow;
 - f. a paint ball gun;
 - g. a wrist rocket, or
 - h. any other device which:

- i. uses an explosion, compressed air, or return spring action to send an object through the air; and
 - ii. causes or creates a substantial risk of bodily injury to another.
- (3) It shall be a defense if the person:
 - a. is acting in self defense, or the defense of another;
 - b. is a peace officer or ordinance enforcement officer acting in the discharge of the officer's duty;
 - c. is acting under specified conditions at an approved archery, gun, or paint ball gaming range; or
 - d. is a licensed and professional slaughterer involved in the lawful performance of those duties in conforming or nonconforming agricultural zones.
- (4) A violation of this Section is a class B misdemeanor.

(Ord. No. 00-29 Amended 04/25/2000)

21-4-107. HUNTING PROHIBITED – FALCONRY EXCEPTED.

- (1) It is unlawful to engage in hunting, as defined in Section 23-13-2, Utah Code Annotated, 1953 as amended, within the corporate limits of West Valley City, or to carry an uncased firearm in the open under conditions which may reasonably be construed as hunting.
- (2) Notwithstanding the prohibition contained in paragraph (1) of this Section, the practice of falconry, as authorized by Section 23-17-7, Utah Code Annotated, 1953 as amended, is not prohibited when practiced in accordance with applicable state laws and regulations.

21-4-106. WEAPONS AND OTHER DANGEROUS MATERIALS IN OR ABOUT SCHOOL BUILDING - POSSESSION OF.

- (1) A person who possesses a weapon, explosive, flammable material or other material dangerous to persons or property in a public or private elementary or secondary school, on the grounds of the school or in those parts of a building, park or stadium which are being used for an activity sponsored by or through a school is guilty of a class "B" misdemeanor, unless a higher penalty is prescribed in Title 21, Criminal Code, in which case, the penalty provisions of that Title control.
- (2) Subsection (1) does not apply under the following circumstances:
 - a. Possession is approved by the responsible school administrator; or
 - b. The item or material is present to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use.

CHAPTER 21-5

ALTERATION OF IDENTIFICATION NUMBERS

Sections:

- 21-5-101. Definitions.
 - 21-5-102. Offenses.
 - 21-5-103. Presumptions.
 - 21-5-104. Arrest and/or Seizure.
 - 21-5-105. Penalty.
-

21-5-101. DEFINITIONS.

As used in this ordinance:

- (1) Identification number means a serial or motor number placed by the manufacturer upon an article as a permanent individual identifying mark.
- (2) Identifying number also means a personalized identifying mark placed upon a manufactured article by any person as a means of identifying the article, including, but not limited to: (1) name, (2) date of birth, (3) address, (4) phone number, (5) social security number, (6) driver's license number or any other personal means of identification placed upon an article by any person.
- (3) Obscure means to destroy, remove, alter, conceal or deface so as to render illegible by ordinary means of inspection.

21-5-102. OFFENSES.

- (1) A person commits the crime of altering identification numbers if, with the intent that identification of an article be hindered or prevented, he obscures an identification number or, in the course of business, he sells, offers for sale, leases or otherwise disposes of an article knowing that an identification number thereon is obscured.
- (2) A person commits the crime of possession of articles or products with altered or obliterated identification marks or numbers when a person has, within his presence, possession or under his control, any article or product from which the identification number or mark has been obscured or altered, provided the person knows or reasonably should have known that the identification number or mark has been altered or obscured.

21-5-103. PRESUMPTIONS.

- (1) Possession of an article on which an identification number is obscured is prima facie evidence that the person possessing it obscured the number with intent to hinder or prevent identification of the article, and that he knows that the identification number is obscured.
- (2) A person is presumed to know an identification number on an article has been obscured if he has received other articles with obscured numbers within the year preceding the alteration offense charged.
- (3) A person is presumed to know the identification number on an article has been obscured if he is found in possession of other property with obscured numbers.

- (4) A dealer in secondhand merchandise who is found in possession of an article with an altered serial number shall be presumed to have failed to inspect the article for alterations.

21-5-104. ARREST AND/OR SEIZURE.

Obliteration of identification is probable cause for arrest and seizure. Upon discovery that the serial number on an article has been obliterated, this is evidence that a crime has been committed and there is probable cause to arrest and seize the property incident to the arrest.

21-5-105. PENALTY.

A violation of this Chapter shall be punishable as a class "B" misdemeanor.

CHAPTER 21-6 MISCELLANEOUS OFFENSES

Sections:

- 21-6-101. Failure to Supply Information.
- 21-6-102. Perversion
- 21-6-103. Unlawful acts on or about school premises.
- 21-6-104. Alcoholic beverages prohibited in parks, public sidewalks, streets, business parking lots.
- 21-6-105. Battery.
- 21-6-106. Repealed.
- 21-6-107. Fleeing a Peace Officer.
- 21-6-108. Maintaining, committing or failing to remove public nuisance - classification of offense.
- 21-6-109. Repealed.
- 21-6-110. Lewdness.
- 21-6-111. Making Graffiti.
- 21-6-112. Possession of Graffiti Instruments.
- 21-6-113. Soliciting, requesting, offering to purchase, or attempting to acquire a controlled substance.
- 21-6-114. Use of a laser pointer, etc.

21-6-101. FAILURE TO SUPPLY INFORMATION.

It shall be unlawful for a person to refuse to give his name, address, and an explanation of his actions when such information is requested by an officer pursuant to Section 77-7-15, Utah Code Annotated 1953, as amended, even if the officer does not state the basis for his request. A violation of this Section is a class "C" misdemeanor.

(Ord. No. 94-55 Rep & Reen, 06/22/1994)

21-6-102 REPEALED.

(Ord. No. 04-23 Amended 05/04/2004)

21-6-103. UNLAWFUL ACTS ON OR ABOUT SCHOOL PREMISES.

(1) As used in this section:

- a. "Dangerous weapon or facsimile thereof" is defined as provided in Section 76-1-601, Utah Code Annotated 1953, as amended.
- b. "On or about school premises" means any of the following:
- c. In a public or private elementary or secondary school or on the grounds of any of those schools;
- d. In a public or private vocational school or post-secondary institution or on the grounds of any of those schools or institutions;
- e. In those portions of any building, park stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under subsections (1)(b)(i) and (ii) above;

- f. In or on the grounds of a preschool or childcare facility; and
 - g. Within 1,000 feet of any structure, facility, or grounds included in subsections (1)(b)(i), (ii), (iii), and (iv) above.
- (2) It shall be unlawful for any person to:
 - a. Annoy, disturb, or otherwise prevent the orderly conduct of the activities, administration, or classes of any school.
 - b. Annoy, disturb, assault, or molest any student, employee, or patron of any school while on or about school premises.
 - c. Loiter, idle, wander, stroll, or play on or about school premises, either on foot or in or on any vehicle, without having some lawful business therein or thereof.
 - d. Conduct himself or herself in a lewd, wanton, or lascivious manner, in speech or behavior, on or about school grounds.
 - e. Park or move a vehicle on or about school premises and thereby cause an annoyance or molest the students, employees, or patrons thereof, or in an effort to induce, entice or invite students, employees, or patrons into or onto the vehicle for unlawful or immoral purposes.
 - f. Be in possession, on or about school premises, of any dangerous weapon or facsimile thereof and thereby cause alarm, disturbance, annoyance, or injury to any person.
- (3) The provisions of this Chapter shall be effective whether or not school classes, activities, or business is being held or conducted at the time of the offense.

21-6-104. ALCOHOLIC BEVERAGES PROHIBITED IN PARKS, PUBLIC SIDEWALKS, STREETS, BUSINESS PARKING LOTS.

It shall be unlawful for any person to consume any alcoholic beverage, or to have in his possession any open container of an alcoholic beverage, in any public place. Public place, for purposes of this Section, includes, but is not limited to, public owned property, parks, roadways, sidewalks, streets, parking lots of any place of business, office buildings, bus stops, transport facilities, stores, fields, canals and their embankments, and all places open to the public; provided, however, that this provision shall not apply to those parks in which the City Council has expressly granted a concessionaire operating in the park a license to sell beer. Violation of this Section is a class "B" misdemeanor.

(Ord. No. 94-87 Enacted 08/15/1994)

21-6-105. BATTERY.

- (1) A person commits battery if he, intentionally or knowingly, without legal justification and by any means:
 - a. Causes bodily injury to a person; or
 - b. Makes physical contact of an offensive, insulting or provoking nature with a person.
- (2) Physical contact in (1)(b) shall include, but is not limited to, spitting, kissing, pinching, poking, shoving or intimidating touching.
- (3) Battery is a class "B" misdemeanor.

21-6-106. REPEALED.**21-6-107. FLEEING A PEACE OFFICER.**

It is a class "B" misdemeanor for any person on foot or on or in a non-motorized vehicle to knowingly flee from, evade, escape or attempt to flee from, escape or evade a peace officer after being lawfully detained, arrested or stopped, or after receiving a reasonable visual or audible signal or command to remain or stop.

21-6-108. MAINTAINING, COMMITTING OR FAILING TO REMOVE PUBLIC NUISANCE - CLASSIFICATION OF OFFENSE.

- (1) Every person who maintains or commits any public nuisance, the punishment of which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance is guilty of a class "B" misdemeanor.
- (2) The City may initiate legal action, civil or criminal, to remove, abate and/or secure any condition or act constituting a public nuisance, as herein defined in Section 76-10-803, Utah Code Annotated, 1953 as amended.
- (3) In addition to other penalties imposed for the violation of this Section, irrespective of any civil or criminal action initiated by the City, any person who commits any of the acts enumerated in Sections 76-10-803 or 76-10-804, Utah Code Annotated, 1953 as amended, shall be liable for all expenses, including, but not limited to, those incurred by the City in protecting the public or in investigating, removing, abating and/or securing the condition arising from said acts. Said expenses shall include interest at the current legal rate, accumulated on the amount expended by the City to remove, abate and/or secure said condition. Such interest shall begin to accrue 30 days after the person committing said acts is informed in writing by the City of the expenses for which he is liable.

21-6-109. REPEALED.

(Ord. No. 94-57 Repealed 06/22/1994)

21-6-110. LEWDNESS.

- (1) A person is guilty of lewdness if he performs an act of sexual intercourse or sodomy, exposes his or her genitals or private parts, masturbates, engages in trespassory voyeurism, or performs any other act of lewdness in a public place or under circumstances which he or she should know will likely cause affront or alarm.
- (2) Lewdness is a class "B" misdemeanor.
- (3) As used in this Section:
 - a. Public Place means any place to which the public or a substantial group of the public has access; or a place open to public view; or a place capable of observance by the public. It includes commercial establishments and any place to which admission is gained by payment or a membership or admission fee, however designated, notwithstanding its being designated a club licensee or by words of like import.
 - b. Private Parts means pubic area, buttocks with less than a fully opaque covering, or a showing of the female breast below a point immediately above the top of the areola.

(Ord. No. 06-12 Amended 02/14/2006; Ord. No. 09-26 Amended 08/07/2009)

21-6-111. MAKING GRAFFITI.

- (1) For the purposes of this Section, the term "graffiti" shall mean any form of unauthorized painting, writing, spraying, scratching, affixing, or inscribing on the property of another, regardless of the content or nature of the material used in the commission of the act.
- (2) No person shall make graffiti of any type on any building, public or private, or any other property, real or personal, owned by any person, firm or corporation, or any public agency or instrumentality, without the express permission of the owner or operator of said property.

(Ord. No. 94-57 Enacted 06/22/1994)

21-6-112. POSSESSION OF GRAFFITI INSTRUMENTS.

A person is guilty of possession of graffiti instruments when he possesses any tool, instrument, article, substance, solution, or other compound designed or commonly used to paint, write, spray, scratch, affix, inscribe, or otherwise place a mark upon a piece of property which that person has no permission or authority to paint, write, spray, scratch, affix, inscribe, or otherwise mark, under circumstances evincing an intent to use the same in order to graffiti such property. Possession of a spray paint can in a public building, park, facility, or alley shall be presumptive evidence of intent to use the same in order to damage such property.

(Ord. No. 94-57 Enacted 06/22/1994)

21-6-113. SOLICITING, REQUESTING, OFFERING TO PURCHASE, OR ATTEMPTING TO ACQUIRE A CONTROLLED SUBSTANCE.

- (1) Definitions.
 - a. "Controlled substance" means a drug, substance, or immediate precursor as defined by Section 58-37-2(4), Utah Code Annotated 1953, as amended.
 - b. "Utah Controlled Substances Act" means Sections 58-37-1, et seq., Utah Code Annotated 1953, as amended.
- (2) It shall be unlawful for a person to intentionally or knowingly solicit, request, offer to purchase, or attempt to acquire possession of a controlled substance from another person through any means which would cause either person to violate the Utah Controlled Substances Act.
 - a. A violation of this section shall be a class "B" misdemeanor.

(Ord. No. 96-40 Enacted 06/21/1996)

21-6-114. USE OF A LASER POINTER, ETC.

- (1) It is unlawful for a person to use or possess with intent to use a laser pointer or any object which projects a colored target in any way which is likely to cause a reasonable person apprehension or fear of bodily harm or is likely to harass, annoy, or injure any person or animal.
- (2) It is unlawful for a person to point a laser pointer or any object which projects a colored target at a police officer or in the vicinity of a police officer.

- (3) A violation of subsection (1) is a class C misdemeanor. A violation of subsection (2) is a class B misdemeanor. Carrying a laser pointer or any object which projects a colored target outside shall be presumptive evidence of intent to use the same in order to harass, annoy, or injure.

(Ord. No. 99-27 Added 07/01/1999)

CHAPTER 21-7 JUVENILE CURFEWS

Sections:

21-7-101.	Purpose.
21-7-102.	Definitions.
21-7-103.	Curfew for juveniles under 16 years of age.
21-7-104.	Curfew for juveniles 16 and 17 years of age.
21-7-105.	Parental Liability
21-7-106.	Business Liability.
21-7-107.	Exceptions
21-7-108.	Enforcement.

21-7-101. PURPOSE.

The governing body of West Valley City finds, due to a seemingly ever-increasing incidence of violence and other crime among juveniles in West Valley City, being both drug-related and gang-related, that such crimes may be significantly inhibited and reduced by the enactment and enforcement of local laws establishing a curfew prohibiting juveniles from remaining idly and purposelessly on the public streets late at night.

21-7-102. DEFINITIONS.

- (1) Care and custody means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.
- (2) Emergency errand means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potentially criminal activity, fire, or other accident and shall include the seeking of aid and assistance from medical or emergency response personnel or the purchase of medications.
- (3) Minor means any unmarried, unemancipated person who is not a member of the armed forces of the United States and who is under 16 years of age for the purposes of Section 21-7-103 hereof, or who is under 18 years of age for the purposes of Section 21-7-104 hereof.
- (4) Public places means any place open to the public, whether publicly or privately owned, including, but not limited to, parking lots and the interiors and exteriors of commercial establishments such as restaurants, stores, or places of entertainment.

21-7-103. CURFEW FOR JUVENILES UNDER 16 YEARS OF AGE.

It shall be unlawful for any minor under 16 years of age to remain or loiter upon any of the sidewalks, streets, alleys, or public places in West Valley City between the hours of 11 p.m. and 5 a.m. of the following morning.

21-7-104. CURFEW FOR JUVENILES 16 AND 17 YEARS OF AGE.

It shall be unlawful for any minor 16 or 17 years of age to remain or loiter upon any of the sidewalks, streets, alleys, or public places in West Valley City between the hours of 1 a.m. and 5 a.m.

21-7-105. PARENTAL LIABILITY

It shall be unlawful for any parent, guardian, or other person having care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this Chapter.

21-7-106 BUSINESS LIABILITY.

No person owning or operating a business, as defined by this Code, shall knowingly permit any minor to remain on the premises of such business in violation of the provisions of this Chapter. This Section, however, shall not apply to any minor who is lawfully employed on the premises.

21-7-107. EXCEPTIONS

The provisions of this Chapter shall not apply to any circumstance in which the minor is:

- (1) Accompanied by a parent, guardian, or other responsible adult having care and custody of such minor;
- (2) Engaged in a legitimate trade, employment, or occupation which requires the minor's presence in or on the sidewalks, streets, alleys, or public places while working at or traveling to or from such employment;
- (3) Engaged on an emergency errand directed by the minor's parent, guardian, or other responsible person having care and custody of such minor;
- (4) In a motor vehicle engaged in normal interstate travel beginning in, traveling through, or ending in West Valley City;
- (5) Attending or engaged in traveling between the minor's home or place of residence and a place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring; or
- (6) Within the immediate vicinity of the minor's place of residence.

21-7-108. ENFORCEMENT.

- (1) Any minor who is in violation of the provisions of this Chapter is subject to arrest and citation.
- (2) Upon arrest, the minor shall be returned to the custody of the parent, guardian, or other person charged with the care and custody of the minor.
- (3) It shall be unlawful for any parent, guardian, or other person charged with the care and custody of a minor who is in violation of this Chapter to knowingly refuse to appear and take custody of said minor within a reasonable time after being ordered to do so by a peace officer.

CHAPTER 21-8 REPEALED

(Ord. No. 95-28 Repealed 06/05/1995)

CHAPTER 21-9 GAMBLING

Sections:

- 21-9-101. Gambling Prohibited.
- 21-9-102. Definitions.
- 21-9-103. Gambling Promotion.
- 21-9-104. Possession of a Gambling Device or Record.

21-9-101. GAMBLING PROHIBITED.

- (1) A person is guilty of gambling if that person:
 - a. participates in gambling;
 - b. knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented, or under the control of the actor, whether in whole or in part; or
 - c. knowingly allows the use of any video gaming device that is:
 - i. in any business establishment or public place; and
 - ii. accessible for use by any person within the establishment or public place.
- (2) Gambling is a class B misdemeanor.

(Ord. No. 09-12 Enacted 05/11/2009)

21-9-102. DEFINITIONS.

- (1) As used in this part:
 - a. "Fringe gambling" means any gambling, lottery, or video gaming device which is:
 - i. given, conducted, or offered for use or sale by a business in exchange for anything of value; or
 - ii. given away incident to the purchase of other goods or services.
 - b. "Fringe gambling" does not include a gambling, lottery, video gaming device, or other promotional activity which is clearly occasional and ancillary to the primary activity of the business.
- (2) "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome:
 - a. is based upon an element of chance; and
 - b. is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome.
 - c. "Gambling" includes a lottery and fringe gambling.
 - d. "Gambling" does not include:
 - i. a lawful business transaction; or
 - ii. playing an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.
- (3) "Gambling bet" means money, checks, credit, or any other representation of value.

- (4) "Gambling device or record" means anything specifically designed for use in gambling or used primarily for gambling.
- (5) "Gambling proceeds" means anything of value used in gambling.
- (6) "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property, or portion of it, or for any share or any interest in property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it is known.
- (7) "Video gaming device" means any device that possesses all of the following characteristics:
 - a. a video display and computer mechanism for playing a game;
 - b. the length of play of any single game is not substantially affected by the skill, knowledge, or dexterity of the player;
 - c. a meter, tracking, or recording mechanism that records or tracks any money, tokens, games, or credits accumulated or remaining;
 - d. a play option that permits a player to spend or risk varying amounts of money, tokens, or credits during a single game, in which the spending or risking of a greater amount of money, tokens, or credits:
 - i. does not significantly extend the length of play time of any single game; and
 - ii. provides for a chance of greater return of credits, games, or money; and
 - e. an operating mechanism that requires inserting money, tokens, or other valuable consideration in order to function.

(Ord. No. 09-12 Enacted 05/11/2009)

21-9-103. GAMBLING PROMOTION.

- (1) A person is guilty of gambling promotion if he derives or intends to derive an economic benefit other than personal winnings from gambling and:
 - a. he induces or aids another to engage in gambling; or
 - b. he knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.
- (2) Gambling promotion is a class B misdemeanor.

(Ord. No. 09-12 Enacted 05/11/2009)

21-9-104. POSSESSING A GAMBLING DEVICE OR RECORD.

- (1) A person is guilty of possessing a gambling device or record if he knowingly possesses it with intent to use it in gambling.
- (2) Possession of a gambling device or record is a class B misdemeanor.

(Ord. No. 09-12 Enacted 05/11/2009)